IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN

FRIDAY, THE 15TH DECEMBER 2006 / 24TH AGRAHAYANA 1928

WP(C).No. 32557 of 2006(A)

PETITIONER:

SWAPNA SURESH,
MUTHIERI HOUSE, P.O.ARTS COLLEGE,
MEENCHANDA, KOZHIKODE.

BY ADV. SRI.G.PRABHAKARAN

RESPONDENT:

THE SECRETARY, REGIONAL TRANSPORT
AUTHORITY, KOZHIKODE.

BY GOVERNMENT PLEADER SMT.D.P.RENU

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 15/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC NO.32557/2006

APPENDIX

PETITIONER'S EXHIBITS

EXHIBIT P1: TRUE COPY OF THE PROCEEDINGS OF R.T.A. DATED 27.03.2004.

EXHIBIT P2: TRUE COPY OF THE SUCH HEARING NOTICES DATED 14.05.2004

EXHIBIT P3: TRUE COPY OF THE JUDGMNET IN O.P.NO.10599/06 DATED 05.07.2006.

//TRUE COPY//

P.S. TO JUDGE

P.R. RAMAN, J.

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W.P.(C) NO. 32557 OF 2006

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DATED THIS, THE 15TH DAY OF DECEMBER, 2006.

J U D G M E N T

Petitioner applied for regular variation of permit in respect of her stage carriage KL-11 R 1265 now operating on the route Beypore-Puthiyappa - Puthiyappa Harbour (via) Mathottam, Kalli, City, Gandhi Road, Puthiyappa and Chettikulam. The said application was granted subject to settlement of timings. Learned counsel appearing for the petitioner submits that even though Ext.P1 was issued as early as on 27.3.2004, more than two years have elapsed, the timings were not settled and permit issued. He also placed reliance on the decision of a Single Judge of this Court in O.P. NO. 10599/1996 to contend that in case there is inordinate delay in the matter of convening a conference and to settle the timings, the authority can very well issue permit with proposed timings subject to any variation to be made later in case there are objectors to the same.

2. Heard the learned Government Pleader. According to him, four meetings were held but because of the non co-operation of the other

operators, timings could not be settled. When the petitioner has been granted a regular variation of the permit as per Ext.P1 as early as in 2004, the non co-operation of other operators cannot take away his right under Ext.P1. More than two years have elapsed. The non co-operation of others is no reason not to take a final decision in in the matter, if opportunities had been given to others to file their objections.

In the peculiar circumstances of this case, there will be a direction to issue varied permit to the petitioner with the proposed timing, subject, of course, to the final settlement of timings and in case any changes are made to the proposed timings, it will be open to the authorities to change the timings accordingly.

The writ petition is disposed of as above.

(issue photo copy.)

P.R. RAMAN,
(JUDGE)

knc/-